

Remarks

The Examiner rejected claims 1-4, 9-11, 14, 18-24, 29, 31-33, and 35-37, objected to claims 5-8 and 25-28, and allowed claim 34. Claims 12-13, 15-17, and 30 are drawn to provisionally non-elected species. Claim 35 has been amended. Some of the claims are generic to the non-elected species and, upon their allowance, allowance of claims 12-13, 15-17, and 30 is respectfully requested.

The Examiner rejected claims 1-3, 9-11, 14, 18-20, 22-24, 29, 31-33, 35, and 36 under 35 USC § 102(b) as being anticipated by Costanzo (US 6,494,312). The rejection is traversed.

In rejecting independent claim 1 and its dependent claims 2-3, 9-11, 14, 18, and 19, independent claim 20 and its dependent claims 22-24, independent claim 29, independent claim 31 and its dependent claim 32, independent claim 33, and independent claim 35 and its dependent claim 36, the Examiner stated that Costanzo shows all the claim limitations in a similar device comprising a(n): roller (94); retainer (99) having a top surface flush with the first side of the module body (FIGS. 9A, 9B, 15); spin welding (col. 7, ll. 50 et seq.); axle (140); bore (FIG. 17); and keying structure (110) on at least one of the interior wall structure and the retainer. MPEP § 2131 provides: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Contrary to the Examiner's statement that Costanzo shows all the claimed limitations, Costanzo does not.

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With respect to claim 1 and its dependents, Costanzo does not disclose a retainer inserted into the cavity, *i.e.*, the same cavity in which the roller is received. With respect to claim 20 and its dependents, Costanzo does not disclose internal wall structure defining a cavity and forming a seat to which a retainer is welded. With respect to independent claims 29 and 33, Costanzo does not show a retainer ring received in the cavity in which a roller is retained. With respect to claim 31 and its dependent, Costanzo does not disclose keying structure fixing the axis of rotation of the roller. The retention tabs (110) on the cover (132) in FIG. 14 of Costanzo, which extend into rectangular slots in the upper deck of the belt module, retain the cover in place over spherical roller balls. The roller balls provide "multidirectional rolling contact with conveyed articles" (col. 8, ll. 22-23 of Costanzo). Unlike rollers on axles, there are no axes of rotation on freely rotatable roller balls to be fixed. With respect to claim 35 and its dependent, Costanzo does not disclose putting a roller in a cavity and then installing a retainer in that cavity to retain the roller. Claim 35 was amended to make it clear that the retainer is installed after the roller. This sequence was inherent in the originally filed claim. Therefore, the 35 USC § 102(b) rejection of independent claims 1, 20, 29, 31, 33, and 35 and all their rejected dependent claims is unsupported by the art and should be withdrawn.

The Examiner rejected dependent claims 4, 21, and 37 under 35 USC § 103(a) as being unpatentable over Costanzo in view of Aquino et al. (US 4,733,768). Because Costanzo has been shown not to support the rejection of the independent claims, the dependent claims are allowable as well, and the 35 USC § 103(a) rejection should be withdrawn.

Applicants respectfully request reconsideration of the rejection of claims 1-4, 9-11, 14, 18-24, 29, 31-33, and 35-37 and allowance of those claims and objected-to dependent claims 5-8 and 25-28, along with already allowed claim 34, in view of the remarks and amendment. Furthermore, applicants request that claims 12-13, 15-17, and 30, which are drawn to non-elected species, be allowed upon allowance of the other claims, some of which are generic to the non-elected species.

This amendment is being sent within three months of the Office Action so no extension of time petition fee should be due. Authorization to charge any fees deemed necessary for consideration of this response to Deposit Account No. 12-0090 is hereby given. If the Examiner thinks a telephone conference would expedite the prosecution of this application, he is invited to call the undersigned attorney.

Respectfully submitted,
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